

REMARKS AND ARGUMENTS

Applicants thank the Examiner for graciously working with Applicants to understand the Examiner's interpretation of the cited documents. Such guidance is invaluable to both of us in our common goal of an expedited prosecution of this patent application.

Applicants respectfully request reconsideration and allowance of all of the claims of the application. The remarks and amendments should be entered under 37 CFR, § 1.116 as they place the application in better form for appeal, or for resolution on the merits. Claims 1-21 are presently pending. Claims amended herein are 1, 7, 10, 14, and 19. No claims are withdrawn, cancelled or added herein.

Claim Amendments

Without conceding the propriety of the rejections herein and in the interest of expediting prosecution, Applicants amend claims 1, 7, 10, 14, and 19 herein. Applicants amend claims to clarify claimed features. Such amendments are made to expedite prosecution and more quickly identify allowable subject matter. Such amendments are merely intended to clarify the claimed features, and should not be construed as further limiting the claimed invention in response to the cited references.

Support for the amendments to claims 1, 7, 10, 14, and 19 is found in the Specification at least at page 27 line 26 to page 28 line 4. Such amendments are fully supported by the Specification and do not constitute new matter.

SUBSTANTIVE MATTERS

Claim Rejections under 35 USC §103

The Examiner rejects claims 1-21 under § 103. The Examiner's rejections are based upon the following documents alone and/or in combination:

- **Stewart** : *Stewart*, US Patent No. 6,643,516;
- **Bhatia** : *Bhatia et al.*, US Patent No. 7, 181,529;
- **McDowell** : *McDowell et al.*, US Patent Publication No. 2002/0035605;
and
- **Watanabe** : *Watanabe et al.*, US Patent Publication No. 2003/0013444;

For the reasons set forth below, the Examiner has not made a prima facie case showing that the rejected claims are obvious. Accordingly, Applicants respectfully request that the § 103 rejection be withdrawn and the case be passed along to issuance.

Obviousness Rejections

Lack of Prima Facie Case of Obviousness (MPEP § 2142)

Applicants disagree with the Examiner's obviousness rejections. Arguments presented herein point to various aspects of the record to demonstrate that all of the criteria set forth for making a prima facie case have not been met.

Based upon Stewart in view of Bhatia

The Examiner rejects claims 1-9 and 14-20 under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Bhatia. Applicants respectfully traverse the rejection of these claims and ask the Examiner to withdraw the rejection of these claims.

Independent Claims 1, 7, 14 and 19

With respect to claim 1, Applicants are unable to find, in either Stewart or Bhatia, at least the following elements:

- "wherein said positioning server includes a periodic timer for determining when said coordinates are to be received from associated ones of said plurality of network clients responsive to receiving indicia of a presence including user context of said associated ones such that said coordinates are received responsive to a timer tick signal sent by the positioning server to said associated ones upon periodic expirations of the timer."

Further, with respect to claim 7, Applicants are unable to find, in either Stewart or Bhatia, at least the following elements:

- “a wireless data controller adapted to receive said coordinates from said positioning controller and cause said coordinates to be transmitted to an associated server at predetermined periodic intervals responsive to an activation with the associated server and receipt of a timer tick signal sent by the associated server upon expiration of a watchdog timer that begins a first count upon said activation.”

Even further, with respect to claim 14, Applicants are unable to find, in either Stewart or Bhatia, at least the following elements:

- “transmitting coordinates updates from said wireless device via a wireless data network to a server, said server including a periodic timer for determining when said coordinates updates are to be received from said wireless device, said periodic timer being activated responsive to a registration of said wireless device with said server, wherein said coordinates updates are to be received responsive to a timer tick signal sent by the server to said wireless device upon periodic expirations of the timer”

As for claim 19, Applicants are unable to find, in either Stewart or Bhatia, at least the following elements:

- “wherein said coordinates are received at the positioning server responsive to a timer tick signal sent by the positioning server to associated ones of the plurality of network clients upon periodic expirations of a watchdog timer, the watchdog

timer initialized responsive to receiving indicia of a presence including user context of said associated ones.”

In the Action (p. 3), the Examiner appears to equate the claimed positioning server to the centralized base station 17 (including a router 18) described in Stewart. Applicants respectfully disagree. As recognized by the Examiner (Action p. 3), the centralized base station does not include a periodic timer. In addition, Stewart does not teach or suggest receiving coordinates responsive to a timer tick signal sent by the positioning server to associated network clients upon periodic expirations of the timer, as generally recited in the claims at issue. As described in the present Specification at page 27 line 26 to page 28 line 4, upon expiration of the timer, the server 152 sends a “here I am” signal to the remote user, requesting that it send a location and/or presence update; alternatively, the “here I am” signal could merely indicate that the remote unit 150 should send a response tick, until an actual location or presence change occurs, at which point the remote unit 150 sends the updates.

In contrast, Stewart merely describes waiting for the location *request* signal, not coordinates from a network client. See, e.g., *Stewart* at Col. 4 lines 53-58. In fact, the latitude and longitude coordinates are stored in the map database contained in the centralized base station 17. See, e.g., *Stewart* at Col. 7 lines 17-20. Moreover, the centralized base station 17 does not appear to send a timer tick signal to associated network clients upon periodic expirations of the timer, as recited in the claims at issue. Rather, the router merely waits passively for a preselected time following receipt of an incoming call from a first telephone to ascertain whether there is also a received location request signal. See, e.g., *Stewart* at Col. 4 lines 53-58.

The Examiner acknowledges that Stewart fails to disclose that the system uses a periodic timer, and relies on Bhatia to compensate for its defects. See *Action* p. 3.

However, like Stewart, the B2B engine 458 described in Bhatia appears to passively wait for messages and does not send a timer tick signal to associated network clients upon periodic expirations of a timer and to receive coordinates in response thereto.

See, e.g., *Stewart* at Col. 11 line 65 to Col. 12 line 7.

In addition, with regard to claims 1 and 19, neither Stewart nor Bhatia appears to teach or suggest at least the claimed feature of receiving indicia of a presence including user context of said associated ones. As described in the present Specification on page 9 lines 21-22, various user contexts, such as In Meeting, On Vacation, In the Office, etc., can be provided for. Stewart merely describes determining the location of a portable telephone and generating a corresponding location signal. See, e.g., *Stewart* at Abstract. Bhatia merely describes receiving realtime information related to a telecommunications device within the telecommunications system. See, e.g., *Bhatia* at Abstract.

Even further, with regard to claim 14, neither Stewart nor Bhatia appear to teach or suggest activating the timer in response to registration of said wireless device with said server. As discussed previously, Stewart fails to disclose a periodic timer. Bhatia describes the timer being initiated by an SMS message, not by registration of a network device with a server. The registration of the user in the B2B engine 310 database appears to be performed *prior to* the activation of the timer. See, e.g., *Bhatia* at Col. 10 lines 43-60; Col. 12 line 55 to Col. 13 line 10.

As shown above, the combination of Stewart and Bhatia does not teach or suggest all of the elements and features of these claims. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of these claims.

Dependent Claims 2-6, 8-9, 15-18 and 20

These claims ultimately depend upon independent claims 1, 7, 14 or 19. As discussed above, claims 1, 7, 14 and 19 are allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Based upon Stewart in view of McDowell, and further in view of Bhatia

The Examiner rejects claims 10-13 under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of McDowell, and further in view of Bhatia. Applicants respectfully traverse the rejection of these claims and ask the Examiner to withdraw the rejection of these claims.

Independent Claim 10

As discussed previously, Applicants are unable to find, in either Stewart or Bhatia, any teaching or suggestion of at least wherein said location control unit includes a periodic timer for determining when said coordinates are to be received from associated ones of said plurality of users, said periodic timer being activated responsive to a registration of said associated ones with said telecommunications server, such that said coordinates are received responsive to a timer tick signal sent by said

telecommunications server to said associated ones upon periodic expirations of the timer.

The Examiner relies on McDowell to disclose the centralized base station including a presence control unit and a location control unit. See *Action* p. 13. Even if the Examiner's assertion were assumed to be true, for argument's sake, McDowell still fails to compensate for the defects of Stewart and Bhatia, as described above. For example, McDowell also fails to teach or suggest at least a periodic timer being activated responsive to a registration of said associated ones with said telecommunications server, such that said coordinates are received responsive to a timer tick signal sent by said telecommunications server to said associated ones upon periodic expirations of the timer.

Consequently, the combination of Stewart, McDowell and Bhatia does not teach or suggest all of the elements and features of this claim. Accordingly, Applicants respectfully ask the Examiner to withdraw the rejection of this claim.

Dependent Claims 11-13

These claims ultimately depend upon independent claim 10. As discussed above, claim 10 is allowable. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Based upon Stewart in view of Bhatia, and further in view of Watanabe

The Examiner rejects claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Stewart in view of Bhatia, and further in view of Watanabe, as applied to claim 19. Applicants respectfully traverse the rejection of this claim and ask the Examiner to withdraw the rejection of this claim.

This claim ultimately depends upon independent claim 19. As discussed above, claim 19 is allowable over the combination of Stewart and Bhatia. It is axiomatic that any dependent claim which depends from an allowable base claim is also allowable. Additionally, some or all of these claims may also be allowable for additional independent reasons.

Watanabe fails to compensate for the defects of Stewart and Bhatia. For example, Watanabe also fails to teach or suggest at least wherein said coordinates are received at the positioning server responsive to a timer tick signal sent by the positioning server to associated ones of the plurality of network clients upon periodic expirations of a watchdog timer, the watchdog timer initialized responsive to receiving indicia of a presence including user context of said associated ones.

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Conclusion

In view of the foregoing, Applicants believe that all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Should the Examiner believe that a telephone conference would expedite prosecution of this application, please contact me at your convenience.

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Respectfully submitted,



Carmen S. Ng

Registration No. 61,281
Attorney for Applicants
Direct Dial: 1-510-868-4255
Fax: 1-510-868-0821

SIEMENS CORPORATION
Customer Number: 28524
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830

Attn: Elsa Keller
Direct Dial: 1-732-321-3026